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OFFICE OF PETITIONS

In re Application of	:	
Mikio Kuwahara et al	:	
Application No. 10/674,455	:	ON PETITION
Filed: September 29, 2003	:	
Attorney Docket No. 773-010C	:	

This is a decision on the petition, filed July 2, 2007, which is being treated as a request under 37 CFR 3.81(b)¹ to add an assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignees.

The request is **DISMISSED**.

Petitioner respectfully request that the assignees' names are Hitachi, Ltd., Tokyo, Japan; and KDDI, Corp., Tokyo, Japan be added the Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004

A review of Office database assignment records reflects that an assignment to Hitachi, Ltd., Tokyo, Japan; and KDDI, Corp., Tokyo, Japan has been recorded. Therefore, upon submission of the required certificate of correction, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Hitachi, Ltd., Tokyo, Japan; and KDDI, Corp., Tokyo, Japan were the assignees of record at the time of issuance of the application into a patent. *Note also 35 U.S.C. § 152.*

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction which sets forth Hitachi, Ltd., Tokyo, Japan; and KDDI, Corp., Tokyo, Japan, as the assignees.** *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision **must** accompany the request for a Certificate of Correction.*

The Certificate of Correction fee of \$100 was received on July 2, 2007.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignees set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignees data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.



Irvin Dingle
Petition Examiner
Office of Petitions